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CHARLES ELMORE

IN THE

Supreme Court of the United States,

OCTOBER TERM, 1934.

No. 531.

F. EUGENE NORTZ,

Claimant,

against

THE UNITED STATES,

Defendant.

PETITION FOR LEAVE TO ARGUE AS *AMICUS CURIAE.*

GRANDIN TRACY VOUGHT.

THE BALLOU PRESS NEW YORK

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1934.

No. 531.

F. EUGENE NORTZ, Claimant.

against

THE UNITED STATES, Defendant.

PETITION FOR LEAVE TO ARGUE AS *AMICUS CURIAE* IN THE ABOVE ENTITLED CASE, BY GRANDIN TRACY VOUGHT.

TO THE HONORABLE, THE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

Now comes Grandin Tracy Vought and petitions the Court for leave to argue as *amicus curiae* in the above entitled cause, in a controversy which has arisen between the said F. Eugene Nortz and the United States, growing out of the refusal of the United States to redeem Gold Treasury Certificates, Series of 1928, and the expropriation of said Treasury Certificates and of the gold deposited for the redemption thereof by the United States.

The cause was heard in the Court of Claims of the United States on November 8, 1934, and your petitioner, with leave of said Court, submitted a written brief as *amicus curiae* and through associate counsel argued the cause orally in that Court.

No decision was rendered in the cause by said Court of Claims of the United States, but said Court certified certain questions to this Honorable Court for instruction, the said certified questions being as follows:

> 1—Is an owner of gold certificates of the United States, Series of 1928, not holding a federal license to acquire or hold gold coins or gold certificates, who, on January 17, 1934, had surrendered his certificates to the Secretary of the United States* under protest and had received therefor legal tender currency of equivalent face amount, entitled to receive from the United States a further sum, inasmuch as the weight of a gold dollar was 25.8 grain, .9 fine, and the market price thereof on January 17, 1934 was in excess of the currency so received.
>
> 2—Is a gold certificate, Series of 1928, under the facts stated in question 1, an express contract of the United States in its corporate or proprietary capacity, which will enable its owner and holder to bring suit thereon in the Court of Claims.
>
> 3—Do the provisions of the Emergency Banking Act of March 9, 1933 and the order of the Secretary of the Treasury, dated December 28, 1933, requiring the plaintiff as owner of gold certificates, as stated in question 1, to deliver the same to the Treasury of the United States in exchange for currency of an equivalent amount not redeemable in gold, amount to a taking of property within the meaning of the Fifth Amendment of the Constitution of the United States?

Your petitioner desires to obtain leave of this Honorable Court to argue as *amicus curiae* in this cause, for the following reasons:

1. The questions involved are of far-reaching importance. Petitioner has made an exhaustive study of the questions involved in behalf of clients who surrendered $608,000 face amount of Gold Certificates under circumstances similar to

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* So in original.

those presented in this cause. Petitioner believes that the results of his study on the subject can be more adequately stated and discussed through oral argument than through a written brief alone.

2. The main points which petitioner desires to discuss will be supplementary to and not repetitions of the argument of the attorneys for the claimant.

Counsel for claimant and the Solicitor General have stated that they have no objections to the granting of this petition.

WHEREFORE, your petitioner respectfully prays that leave be granted him to argue in this cause as *amicus curiae,* and your petitioner will ever pray.

Dated this 11th day of December, 1934.

GRANDIN TRACY VOUGHT,
Petitioner.